

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ANNE MASON and THOMAS MASON,)	
)	
Plaintiffs,)	
)	CIVIL ACTION
v.)	NO. 05-10811-NG
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

ANSWER

1. The proper defendant in this action is the Federal Emergency Management Agency (FEMA), an agency of the United States.

2. The named defendant, National Con-Serv., Inc., is a former servicing agent for FEMA.

3. FEMA administers the National Flood Insurance Program, 42 U.S.C. §§ 4001 et seq.

4. Defendant is without sufficient information to admit or deny that plaintiff was insured on an annual basis under the National Flood Insurance Program, and, accordingly, denies the allegation.

5. Defendant is without sufficient information to admit or deny that plaintiff prepaid a yearly premium on her property, and cancelled the policy, and, accordingly, denies the allegations.

6. Defendant is without sufficient information to admit or deny that plaintiff requested a refund, and, accordingly, denies the allegation.

7. Defendant is without sufficient information to admit or deny that its former agent, National Con-Serv, Inc., agreed to refund the amount owed, and, accordingly, denies the allegation.

8. Defendant is without sufficient information to admit or deny that its former agent, National Con-Serv, Inc., refused to make a refund to Plaintiff, and, accordingly, denies the allegation.

9. Defendant is without sufficient information to admit or deny that Plaintiff is owed any refund from the National Flood Insurance Program, and, accordingly, denies the allegation.

Affirmative Defense

1. Plaintiff has failed to serve the proper defendant pursuant to the requirements of Rule 4(i), Federal Rules of Civil Procedure, and, accordingly, this Court lacks personal jurisdiction over the proper defendant.

2. Plaintiff has failed to pursue her administrative remedies against FEMA, and, accordingly, this action is not ripe and this Court lacks subject matter jurisdiction over this action.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/Anita Johnson
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Certificate of Service

I hereby certify that on May 12, 2005, I gave notice of the filing of the foregoing by mailing a copy of same, postage prepaid, first-class mail to the plaintiffs (*pro se*), Anne Mason and Thomas Mason, Box 1136, 368 Bedford Street, Lakeville, MA 02347.

/s/Anita Johnson

Dated: May 12, 2005